

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

J. DOES 1-26,

Plaintiffs-Appellees,

v.

ELON MUSK, in his official capacity; UNITED
STATES DOGE SERVICE; DEPARTMENT
OF GOVERNMENT EFFICIENCY,

Defendants-Appellants.

No. 25-1273

**MOTION FOR A STAY OF STATUS UPDATE SCHEDULE
IN LIGHT OF LAPSE OF APPROPRIATIONS**

Defendants hereby move for a stay of the status update schedule in the above-captioned case.

1. At the end of the day on September 30, 2025, the appropriations act that had been funding the Department of Justice expired and appropriations to the Department lapsed. The same is true for several other Executive agencies, including the federal appellants. The Department does not know when funding will be restored by Congress.

2. Absent an appropriation, Department of Justice attorneys and employees of the federal appellants are prohibited from working, even on a voluntary basis, except in very limited circumstances, including “emergencies

involving the safety of human life or the protection of property.” 31 U.S.C. § 1342.

3. Undersigned counsel for the Department of Justice therefore requests a stay of the status update schedule until Congress has restored appropriations to the Department.

4. The Government respectfully requests that, when appropriations are restored, all current deadlines for the parties be extended for the number of days commensurate with the duration of the lapse in appropriations, plus an additional 14 days. Thus, for example, if the lapse lasts 14 days, all parties’ deadlines would be extended by $14 + 14 = 28$ days. The Government will need this additional time following the end of the lapse to restart regular government operations and finalize the status update for filing.

5. In addition, granting an extension calculated in the manner proposed above will avoid having all filings that would otherwise have been due during the period of a lapse of appropriations from having the same due date following the restoration of appropriations, which would not be practicable for the Government or the Court. It also preserves the original chronological order of filing in government cases for fairness to all parties.

6. Opposing counsel has authorized counsel for the Government to state that they consent to extending the deadline to file the next status report.

Therefore, although we greatly regret any disruption caused to the Court and the other litigants, the Government hereby moves for a stay of the status update schedule in this case, as described above, until Department of Justice attorneys are permitted to resume their usual civil litigation functions.

Respectfully submitted,

MARK R. FREEMAN
MELISSA N. PATTERSON
ADAM C. JED

/s/ Cynthia Barmore
CYNTHIA BARMORE

Attorneys
Civil Division, Appellate Staff
U.S. Department of Justice
950 Pennsylvania Ave., N.W., Rm.
7541
Washington, D.C. 20530
202-616-5374
cynthia.a.barmore@usdoj.gov

Counsel for Defendants-
Appellants

OCTOBER 2025

CERTIFICATE OF COMPLIANCE

I hereby certify that this document complies with the word limit of Federal Rule of Appellate Procedure 27(d) because it has been prepared in 14-word Times New Roman, a proportionally spaced font, and it contains 378 words according to the count of Microsoft Word.

/s/ Cynthia Barmore
CYNTHIA BARMORE

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2025, I filed and served the foregoing by causing a copy to be electronically filed with the Clerk of Court via the appellate CM/ECF system.

/s/ Cynthia Barmore
CYNTHIA BARMORE